

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
 v.) Criminal No. 05-30057-MAP
)
)
 DARRYL BURNS,)
 DARRYL MOORER, and)
 NAOMI WATFORD,)
 Defendants.)

PARTIES' JOINT MEMORANDUM
PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, and counsel for the defendants, hereby file their joint memorandum pursuant to Local Rule 116.5(A):

1. There is a need to grant relief from the otherwise applicable timing requirements imposed by L.R. 116.3 as to Mr. Burns and Mr. Moorner. Ms. Watford is scheduled to plead guilty on September 7, 2006.

2. The defendants have or will be requesting discovery concerning expert witnesses under Fed. R. Crim. P. 16(a)(1)(E). The government has requested reciprocal discovery pursuant to Fed. R. Crim. P. 16(B)(1)(C). Mr. Moorner has requested additional discovery and made a pending discovery motion. The government's response is due tomorrow, September 1, 2006.

3. Other than the discovery referred to above, the parties do not anticipate providing additional discovery as a result of their future receipt of information, documents, or reports of examinations or tests.

4. The defendants will advise the Court of any need for a motion date to be established under Fed. R. Crim. P. 12(c).

5. The parties agree that all of the time from arraignment to the date of the next status conference should be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8). The parties agree that the ends of justice served by excluding this time from the Speedy Trial Act outweigh the best interest of the public and defendant in a speedy trial. The parties agree that this Speedy Trial Act exclusion is appropriate, in part, because:

a. Counsel for the government and for Mr. Burns and Ms. Watford have discussed resolving this case. Ms. Watford will be pleading guilty. Mr. Burns's status remains uncertain because the parties are attempting to resolve Mr. Burns's case in a manner that could enable him to receive a sentence less than life in prison. The options for achieving this result are very limited. Mr. Moorers's case should be ready to be sent to the District Court shortly.

b. Given the ongoing activity relating to Mr. Burns and Mr. Moorers, it is in the interests of justice to exclude the Speedy Trial Act time until the next status conference.


6. It appears that a trial for at least one defendant will be required. The trial should take approximately one week.

7. The parties recommend that the Court schedule an additional status conference in two weeks to confirm that all discovery issues have been resolved.

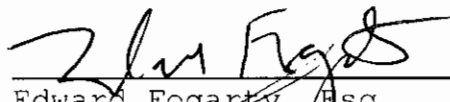
Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

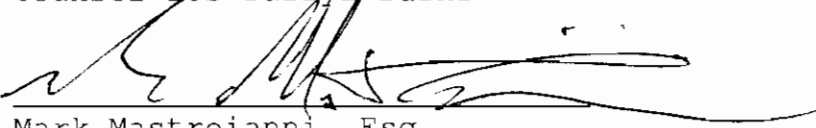
by:



Kevin O'Regan
Assistant U.S. Attorney



Edward Fogarty, Esq.
Counsel for Darryl Burns



Mark Mastroianni, Esq.
Counsel for Darryl Moorner

Myles Jacobson, Esq.
Counsel for Naomi Watford

Date: August 31, 2006